

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

In re:

RICHARD TRAVIS GREENE and
DEANA SHEA GREENE,

Debtors.

Case No. 09-33312

Chapter 7

Judge Richard Stair Jr.

BANK OF AMERICA'S MOTION TO REDEEM UNCLAIMED FUNDS

COMES NOW, BANK OF AMERICA, N.A. s/b/m BAC HOME LOANS SERVICING, LP f/k/a COUNTRYWIDE HOME LOANS SERVICING, LP ("Bank of America"), by and through its undersigned counsel, and files this its Motion to Redeem Unclaimed Funds, respectfully showing this Honorable Court as follows:

On April 6, 2010, Bank of America filed an amended proof of claim stating it has a secured claim on the real property known at 825 Garners Landing, Sevierville, Tennessee, in the amount of \$203,938.18 (the "Property"). [Claim 22-2].

On May 20, 2010, the Chapter 7 Trustee filed an Objection to Bank of America's amended claim which argued that Bank of America did not have a properly perfected lien on the Property and sought to disallow the claim. [Dkt. 122].

On March 11, 2011, the Court entered an order granting the Trustee's Objection and stating that Bank of America's claim is disallowed as secured by allowed, in its entirety, as unsecured. [Dkt. 138].

On December 6, 2011, the Chapter 7 Trustee filed his Summary of Trustee's Final Report and Applications for Compensation and the Clerk of the Court issued a Notice and Deadline to Object. [Dkt. 186]. In the Trustee's Final Report, the Trustee stated that he intended to pay Bank

of America \$108,474.25 as an unsecured creditor. Id. The Court approved the Trustee's Final Report in an Order signed January 26, 2012. [Dkt. 206].

On February 2, 2012, the Chapter 7 Trustee issued a check to Bank of America in the amount of \$108,474.25. At this time, Bank of America was dealing with a title insurance company with regards to a title claim made on the Property and because of those negotiations, Bank of America could not negotiate the check within 90 days. As a result, the Trustee issued a stop payment on the check. [Dkt. 206].

On May 15, 2012, the Chapter 7 Trustee reissued the payment of the \$108,474.25 to Bank of America. Id. Bank of America was still working to resolve the issues surrounding the title claim and was unable to negotiate the second check within 90 days. As a result, the Trustee issued a stop payment on the second check. Id.

On August 17, 2012, the Trustee filed a Report of Unclaimed Funds and submitted the \$108,474.25 to the U.S. Bankruptcy Court Registry pursuant to 11 U.S.C. § 347(a). [Dkt. 206].

Bank of America has resolved the issues with the title insurance company and can now accept these funds. The filings in this case show that Bank of America is entitled to these funds and that Bank of America has not already been paid by the Trustee.

WHEREFORE, Bank of America respectfully requests that this Court issue an Order directing payment to Bank of America, N.A., c/o J. Kelsey Grodzicki, Rubin Lublin, PLLC, 3740 Davinci Court, Suite 400, Norcross, Georgia 30092, in the amount of \$108,474.25, and that that payment be forwarded to Bank of America's counsel of record, J. Kelsey Grodzicki, Rubin Lublin TN, PLLC, 3740 Davinci Court, Suite 400, Norcross, Georgia 30092.

Respectfully submitted this 12th day of September, 2012.

/s/ J. Kelsey Grodzicki
J. KELSEY GRODZICKI
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ATTORNEY FOR BANK OF AMERICA, N.A.

CERTIFICATE OF SERVICE

I, J. Kelsey Grodzicki of Rubin Lublin TN, PLLC, certify that on the 12th day of September, 2012, I caused a copy of the foregoing to be filed in this proceeding by electronic means and to be served by depositing a copy of the same in the United States Mail in a properly addressed envelope with adequate postage thereon to the said parties as follows:

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/s/ J. Kelsey Grodzicki
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